

1 THE HON. JAMES L. ROBART  
2  
3  
4  
5  
6  
7  
8

9  
10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE

13 OLYMPIC TUG & BARGE, INC. a  
14 Washington corporation, and HARLEY  
15 MARINE FINANCING, LLC, a Delaware  
16 limited liability company,

v.  
17 Plaintiffs,

LOVEL BRIERE, LLC, a Nevada limited  
liability company,

Defendant.

IN ADMIRALTY

Case No. 2:22-cv-01530-JLR

[PROPOSED] STIPULATION AND  
ORDER REGARDING AMENDED  
COUNTERCLAIMS

NOTE ON MOTION CALENDAR  
(SAME DAY MOTION):  
FRIDAY, JANUARY 13, 2023

WHEREAS, on November 21, 2022, Defendant, Lovel Briere, LLC, filed its Answer,  
Affirmative Defenses, and Counterclaims (the “Original Counterclaims”) (ECF No. 23);

WHEREAS, on December 12, 2022, Plaintiffs, Olympic Tug & Barge, Inc., and  
Harley Marine Financing, LLC (together, “Plaintiffs”) moved to dismiss the Original  
Counterclaims (ECF No. 28) (the “Motion to Dismiss”);

WHEREAS, on January 9, 2023, Defendant filed: (i) a response in opposition to the  
Motion to Dismiss (ECF No. 30); and (ii) a motion to amend the Original Counterclaims (the  
“Motion to Amend”) (ECF No. 31);

WHEREAS, the parties believe that the interests of judicial economy would be best  
served by Plaintiffs (1) withdrawing their pending Motion to Dismiss the Original

{22914/0001/03073667-1}

[PROPOSED] STIPULATION AND ORDER  
REGARDING AMENDED COUNTERCLAIMS

Case No. 2:22-cv-01530-JLR - 1

MONTGOMERY PURDUE PLLC  
ATTORNEYS AT LAW  
5500 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WA 98104-7096  
(206) 682-7090 TEL  
(206) 625-9534 FAX

1 Counterclaims; and (2) consenting to Defendant amending the Original Counterclaims as  
 2 proposed in the Motion to Amend (the “Amended Counterclaims”), without prejudice to  
 3 Plaintiffs’ right to respond to the Amended Counterclaims by motion or otherwise.

4 NOW THEREFORE, the parties having conferred and subject to the Court’s approval,  
 5 hereby agree as follows:

6 1. Plaintiffs hereby withdraw their Motion to Dismiss the Original Counterclaims  
 7 (Dkt. # 28).

8 2. Defendant’s Motion to Amend (Dkt. # 31) is GRANTED. Defendant shall file its  
 9 Amended Counterclaims within fourteen (14) days of the Court’s entry of this stipulated  
 10 Order.

11 3. Plaintiffs shall move or otherwise respond to the Amended Counterclaims no later  
 12 than twenty-one (21) days after Defendant files them.

13 DATED this 13<sup>th</sup> day of January, 2023.

14 */s/ Kevin H. Marino*

Kevin H. Marino  
 (Admitted Pro Hac Vice)  
 kmarino@khmarino.com  
 John D. Tortorella  
 (Admitted Pro Hac Vice)  
 jtortorella@khmarino.com  
 John A. Boyle  
 (Pro Hac Vice application to be submitted)  
 jboyle@khmarino.com  
**Marino, Tortorella & Boyle, P.C.**  
 437 Southern Boulevard  
 Chatham, NJ 07928-1488  
 Telephone: 973.824.9300  
 Facsimile: 973.824.8425

15 */s/ Jess G. Webster*

Jess G. Webster, WSBA No. 11402  
 Drew F. Duggan, WSBA No. 50796  
**Miller Nash LLP**  
 Pier 70, 2801 Alaskan Way, Suite 300  
 Seattle, WA 98121-1128  
 Tel: (206) 624-8300  
 Fax: (206) 340-9599  
 Email: jess.webster@millernash.com  
 Email: drew.duggan@millernash.com

21 *Attorneys for Defendant*

23 */s/ Michael E. Gossler*

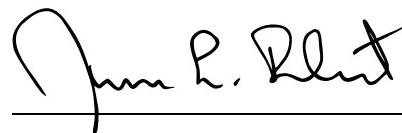
Michael E. Gossler, WSBA No. 11044  
 mgossler@montgomerypurdue.com  
**Montgomery Purdue PLLC**  
 5500 Columbia Center  
 701 Fifth Avenue  
 Seattle, WA 98104-7096  
 (206) 682-7090 Tel  
 (206) 625-9534 Fax  
*Attorneys for Plaintiffs*

{22914/0001/03073667-1}  
 [PROPOSED] STIPULATION AND ORDER  
 REGARDING AMENDED COUNTERCLAIMS  
 Case No. 2:22-cv-01530-JLR - 2

MONTGOMERY PURDUE PLLC  
 ATTORNEYS AT LAW  
 5500 COLUMBIA CENTER  
 701 FIFTH AVENUE  
 SEATTLE, WA 98104-7096  
 (206) 682-7090 TEL  
 (206) 625-9534 FAX

1  
2 IT IS SO ORDERED.  
3  
4

5 DATED THIS 17th day of January, 2023  
6  
7

  
8

9  
10 The Honorable James L. Robart  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 PRESENTED BY:  
2

3 /s/ Kevin H. Marino  
4 Kevin H. Marino  
5 (Admitted Pro Hac Vice)  
6 kmarino@khmarino.com  
7 John D. Tortorella  
8 (Admitted Pro Hac Vice)  
9 jtortorella@khmarino.com  
10 John A. Boyle  
11 (Pro Hac Vice application to be submitted)  
12 jboyle@khmarino.com  
13 **Marino, Tortorella & Boyle, P.C.**  
14 437 Southern Boulevard  
15 Chatham, NJ 07928-1488  
16 Telephone: 973.824.9300  
Facsimile: 973.824.8425

17 /s/ Michael E. Gossler  
18 Michael E. Gossler, WSBA No. 11044  
19 mgossler@montgomerypurdue.com  
20 **Montgomery Purdue PLLC**  
21 5500 Columbia Center  
22 701 Fifth Avenue  
23 Seattle, WA 98104-7096  
24 (206) 682-7090 Tel  
25 (206) 625-9534 Fax  
26 *Attorneys for Plaintiffs*